

FREIGHT MOBILITY STRATEGIC INVESTMENT BOARD

MEETING MINUTES

May 21, 1999

**Florentyna's at the Airport
Pasco, WA**

Board members present were Chair Dan O'Neal, Ms. Patricia Otley, Mr. Don Lemmons, Mr. Cliff Benson, Mr. David Kalberer, Ms. Carol Moser, Mr. Ross Kelley, Mr. Jim Toomey, Ms. Barbara Cothorn, Mr. Bob Edwards, Mr. Sid Morrison, and Executive Director, Mr. Dennis Ingham. Board member absent was Ms. Jennifer Joly.

WELCOME AND INTRODUCTIONS: Chair O'Neal opened the meeting and announced that the agenda item regarding Emergency Washington Administrative Code rules would be a public hearing open for testimony.

LEGISLATIVE UPDATE: Mr. Denny Ingham praised the success of the Freight Mobility biennial budget having passed the legislature. The budget shows \$85 million for local agency and \$35 million for Washington State Department of Transportation, Freight Mobility Strategic Investment Board projects. Also included in the budget is \$600,000 for the board's operating expenses. The board briefly discussed the transportation budget, the Endangered Species Act, and the changes to the Legislative Transportation Committee.

MINUTES:

Mr. Cliff Benson moved, Ms. Patricia Otley seconded, to approve the minutes from the March 19, 1999, meeting.

MOTION CARRIED

REVISE BY-LAWS: One change to the by-laws (Resolution 99-02) would update the wording to reflect the board's decision to meet on odd number of months.

Ms. Barbara Cothorn moved, Mr. Bob Edwards seconded, to approve the by-law change according to Resolution No. 99-02, Exhibit A.

MOTION CARRIED

HEARING ON FMSIB EMERGENCY WAC RULES: Mr. Dan O'Neal, Chair of the Freight Mobility Strategic Investment Board, called the hearing to order. For the record, this hearing was held on May 21, 1999, at Florentyna's at the Airport, Pasco, WA, starting at 9:30 a.m. pursuant to the authority given under Chapter 47.26A RCW Freight Mobility, Chapter 42.30 RCW, the Open Public Meetings Act, and Chapter 34.05 RCW the Administrative Procedure Act. This hearing was held to consider testimony on the

following proposal only: Freight Mobility Strategic Investment Board Emergency WAC Title 226. A copy of the Emergency WAC rules was available on the table by the sign-in sheet. This hearing was being held to consider testimony presented on the proposal, and consisted of two parts: (1) A brief presentation on the proposal, after which there was an opportunity to ask any question on the meaning of the proposed rules; and (2) oral testimony. Chair Dan O'Neal advised everyone in attendance that this hearing was being tape recorded, and that the tape from this hearing would become part of the official rule-making file. Mr. Dan Rude and Mr. Denny Ingham were asked to briefly explain the proposal and give people the opportunity to ask questions of a technical nature. The board and staff discussed several portions of the Emergency WAC's as written and made motions for changes on the following items:

Mr. Cliff Benson moved, Ms. Patricia Otley seconded, to change the second sentence in WAC 226-20-010 to read "Pursuant to ESHB 1125, Laws of 1999, the board's original matching ratio shall not exceed 65%, unless the board grants a special exception and the maximum amount of funding on a project from the freight mobility board is fifty million dollars."

MOTION CARRIED

Mr. Sid Morrison moved, and Ms. Patricia Otley seconded, to modify the second sentence in WAC 226-20-010 by dividing the second clause into a new sentence. The sentences will now read "Pursuant to ESHB 1125, laws of 1999, the board's original matching ratio shall not exceed 65% unless the board grants a special exception. The maximum amount of funding on a project from the freight mobility board is fifty million dollars."

MOTION CARRIED.

Ms. Patricia Otley moved, and Ms. Carol Moser seconded, to change WAC 226-20-020 to "Certification of Non-Program Funds. The lead agency shall certify that non-program funds are available for the funding phase being considered."

MOTION CARRIED.

Mr. Ross Kelley moved, and Mr. Bob Edwards seconded, to amend WAC 226-16-110 to read: "Allocation of freight mobility strategic investment program funds to regions. For the purpose of allocating funds for the freight mobility strategic investment program, the board shall allocate the first fifty-five percent of funds to the highest priority projects, without regard to location. The remaining funds shall be allocated equally among three regions of the state pursuant to RCW 47.06A.050."

MOTION CARRIED

Mr. Sid Morrison moved, and Mr. Bob Edwards seconded, to adopt Resolution No. 99-03.

MOTION CARRIED.

At this time, Chair Dan O'Neal asked if there was anyone present who wished to testify further on the proposal before the board. No comments. On behalf of the Freight

Mobility Strategic Investment Board, Chair Dan O’Neal thanked those present for participating in the hearing. The hearing stood adjourned at 9:55 a.m.

APPROVE FMSIB POLICIES: The board discussed the need for the executive director to report to the board on the progress of projects and internal operating rules and policies.

Mr. Bob Edwards moved, and Ms. Barbara Cothorn seconded, to amend Exhibit A “Delegation of Authority” Part III, Section A, to include “7. Report to the board on all delegated actions taken and a status report on all projects.”

MOTION CARRIED.

Ms. Patricia Otley moved, and Ms. Carol Moser seconded, to adopt Resolution No. 99-04 as amended.

MOTION CARRIED.

APPROVE FMSIB PROJECTS FOR FUNDING: Mr. Ingham recommended the adoption of the first 33 projects on the prioritization list for funding. Mr. Morrison suggested approving the entire prioritization list (all 48 projects) due to the possibility that substitutes may be needed. Mr. Jerry Fay, Transportation Improvement Board, informed the board that any project on FMSIB’s list will become eligible under their program for a special priority for design funding. Discussion occurred over where to draw the line on the prioritization list. After further discussion, staff were requested to draft new language for inclusion in Resolution 99-05 to include approving the Recommended Project List but only authorize funding on the first 33 projects. This item was tabled until after the executive session of the board.

FUTURE ITEMS: The July meeting was scheduled for the 23rd in SeaTac. Board members are not eligible for travel reimbursement until on and after July 25th. Chair O’Neal suggested the board move the meeting to July 30th so members can be reimbursed.

Mr. David Kalberer moved, and Ms. Carol Moser seconded, to have the FMSIB board meeting be rescheduled to July 30th in SeaTac.

MOTION CARRIED.

The board presented Mr. Denny Ingham with a certificate of appreciation for his excellent service as Executive Director of the Freight Mobility Strategic Investment Board and for his assistance in keeping freight mobility a priority to the legislature and other transportation partners.

Board went into Executive Session for 25 minutes.

Mr. Patricia Otley moved, and Mr. Cliff Benson seconded, to amend the second paragraph of Resolution 99-05 to read “WHEREAS, based on the needs of the citizens of the state for freight mobility improvements, the board adopts the project prioritization list

shown in “Exhibit A” and authorizes the Executive Director to enter into agreements with the first thirty-three (33) projects on the Board’s Recommended Project List” and revise the last paragraph to read “NOW, THEREFORE, BE IT RESOLVED by the Freight Mobility Strategic Investment Board, that the Board adopts the project prioritization list shown in “Exhibit A” and authorizes the Executive Director to enter into agreements with the first thirty-three (33) projects on the recommended project list, contingent upon the 99-01 transportation budget signed by the Governor.”
MOTION CARRIED.

Mr. Sid Morrison moved, and Mr. Bob Edwards seconded, to adopt Resolution 99-05 as amended.
MOTION CARRIED.

EXECUTIVE SESSION: During the Executive Session, the board proposed an interim plan for the Executive Director.

Ms. Barbara Cothorn moved, and Mr. Cliff Benson seconded, to appoint Ms. Paula Hammond as the FMSIB Interim Executive Director.
MOTION CARRIED.

MEETING ADJOURNED AT 11:05 A.M.

BOARD MEMBER TOUR: Board members along with Benton County Commissioner Leo Bowman, Franklin County Commissioner Sue Miller, and Port of Benton Executive Director Ben Bennett participated in a bus trip and boat tour of the Tri-Cities Freight Mobility projects.

A. DANIEL O’NEAL
Chairman

ATTEST:

PAULA HAMMOND
Executive Director (Interim)